



Justin H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Diego Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

October 15, 2001

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7001 0320 0001 2637 9423

Mr. Neil R. Mohr
San Diego Landfill Systems
8514 Mast Blvd.
Santee, CA 92071

File: 06-214.02

Dear Sir:

**RE: NOTICE OF VIOLATION NO. 2001-321: SAN DIEGO LANDFILL SYSTEMS,
INC., OTAY CLASS III LANDFILL, SAN DIEGO COUNTY**

Attached is a Notice of Violation regarding the subject facility. In order to avoid possible future enforcement, I strongly urge a prompt response in order to rectify the conditions identified in the Notice of Violation. My staff is available to work with you in your efforts toward achieving compliance.

If you have any questions regarding this matter, please call Brian McDaniel at (858) 627-3927 or John Odermatt at (858) 637-5595.

Sincerely,

DAVID T. BARKER, Supervising Water Resources Control Engineer
Water Resources Protection Branch

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Attachment: Notice of Violation No. 2001-321

cc: Ms. Michele Stress, County of San Diego, Solid Waste Local Enforcement Agency, 9325 Hazard Way,
San Diego, CA 92123

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



October 15, 2001

File No. 06-0214.02

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

**NOTICE OF VIOLATION NO. 2001-321
FOR
SAN DIEGO LANDFILL SYSTEMS
OTAY LANDFILL
SAN DIEGO COUNTY**

Mr. Neil R. Mohr
San Diego Landfill Systems
8514 Mast Boulevard
Santee, CA 92071

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of California Water Code Section 13267.

Summary of Violations:

On March 30, 2000, the Regional Board received a Joint Technical Document/Report of Waste Discharge (JTD/ROWD) for the Otay Class III Landfill from Otay Landfill Inc. (OLI). A subsequent technical report submitted by OLI identified the presence of an estimated 575 cubic yards of wastes ("soils") emitting radioactivity from isotopic sources including ²²⁶Radium, ²³⁸Uranium and ²³²Thorium. These wastes may contain radioactive pollutants that could be released at concentrations in excess of applicable water quality objectives and cause degradation of waters to the state.

On July 2, 2001, under the authority of Water Code Section 13267 the Regional Board requested that OLI submit proposed plans for: a.) management of the existing radioactive wastes and b.) monitoring and reporting of analytical results for surface water (*e.g.*, storm water discharges), groundwater resources, and landfill leachate to assess the actual or potential impacts of radioactive wastes discharged at the Otay Class III landfill. On September 28, 2001, the Regional Board received a letter submittal from the consultant to OLI. The written submittal did not contain the information requested by the Regional Board and it has been determined to be an inadequate response to the request for information issued by the Regional Board on July 2, 2001.

I. FAILURE TO SUBMIT A WASTE MANAGEMENT PLAN

You failed to submit a plan for the management of the radioactive wastes discharge at the Otay Class III landfill. Failure to submit the waste management plan to the Regional Board is a violation of California Water Code Section 13267.

October 15, 2001

II. FAILURE TO PROVIDE A PLAN TO MONITOR SURFACE WATER GROUNDWATER, AND LEACHATE

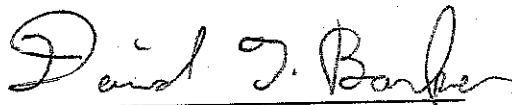
You failed to provide a plan to monitor surface water (*e.g.*, storm water discharges), groundwater resources, and landfill leachate to assess the actual or potential impacts of radioactive wastes discharged at the Otay Class III landfill. Failure to submit the requested waste monitoring and reporting plan to the Regional Board is a violation of California Water Code Section 13267.

The violations cited above are serious and may result in further enforcement, including imposition of administrative civil liabilities as authorized under authority of Water Code Section 13268 and/or issuance of an order to clean up waste and abate existing or threatened conditions of pollution or nuisance.

Questions pertaining to this Notice of Violation should be directed to Brian McDaniel at (858) 627-3927. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340
Attn: Mr. John Odermatt, Land Discharge Unit

Ordered by:



DAVID T. BARKER
Supervising Engineer
Water Resources Protection Branch

Date: October 15, 2001

DTB:jro:bkm
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